THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 15657 of 1995

O r d e r:

By this writ petition , the petitioner, who was employee of Chittoor Co-operative Sugars Limited, seeks a direction to the respondents to grant him a sum of Rs.92,000/- (Rupees Ninety two thousands only) towards the expenditure incurred by him for the by-pass surgery underwent by him.

Despite passing over the matter to 2.15 P.M. none appear for the petitioner nor is there any representation made on his behalf.

The grievance of the petitioner, as projected in the writ petition is that he underwent by-pass surgery and underwent an expenditure of Rs.92,000/- towards his treatment, and it is his case that since the respondents are following the Rules analogous to the State Government, he should be treated on par with State Government employee and should be extended the benefit of G.O. Ms. Nos. 544, dated 09.11.1993 and G.O. Ms. No. 579, dated 01.12.1993. He thus prayed that the respondents be directed to reimburse the expenditure incurred by him for the by-pass surgery underwent by him.

The respondents filed counter. The learned Government Pleader for Industries representing the respondents submitted that the petitioner is not a government employee, and he being an employee of Chittoor Co-operative Surgar Factory, is governed by the provisions of the Co-operative Societies Act and its By-laws and Standing Orders, he cannot equate himself with a government employee, and claim that he should be extended the benefit of the aforesaid G.Os. He submitted that the management of Chittoor Co-operative Sugars Limited, is

competent to sanction an amount of Rs.30,000/-, to meet the medical expenditure, recoverable from the salary of the employee, and the said amount was sanctioned by the management to the petitioner. He further submitted that the respondents on humanitarian grounds, treated the period of his hospitalization as on duty and paid him full wages, though he is not entitled to the same. He thus prayed that the writ petition be dismissed.

The Chittoor Co-operative Sugars Limited, of which the petitioner is an employee, is governed by the provisions of the A.P. Co-operative Societies Act, 1964, thereby meaning that the employer of the petitioner is a society. Since the employer of the petitioner is society, the petitioner cannot equate himself on par with the employees of the State Government and claim the benefits which are being given to them, and more so when the terms and conditions of service of the employees of the society and the State Government are entirely different. In that view of the matter, the contention of the petitioner that he should be extended the benefit of G.O. Ms. Nos. 544, dated 09.11.1993 and G.O. Ms. No. 579, dated 01.12.1993, cannot be accepted, and no direction as prayed for by the petitioner directing the respondents to pay him Rs.92,000/- incurred by him towards by-pass surgery underwent by him, can be given.

The writ petition is devoid of merit, and the same is accordingly dismissed.

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N.V. RAMANA, J.

Dated: 31.10.2006
KSR